

Department of the Army  
Headquarters Fort Monroe  
Fort Monroe, Virginia 23651-5000

\*FM Regulation 40-4

1 November 2006

**Medical Services**  
**Fort Monroe Emergency Health Powers Plan**

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**Summary.** This regulation prescribes policies and procedures to protect personnel and facilities in the event of a public health emergency due to biological warfare, terrorism, or other public health emergency communicable disease epidemic.

**Applicability.** This regulation applies to Fort Monroe and all tenant organizations.

**Suggested improvements.** The proponent for this regulation is the Directorate of Plans, Training, Mobilization, and Security (DPTMS). Send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) through channels to Commander, Fort Monroe, ATTN: IMNE-MNR-PL-T, 27A Ingalls Road, Fort Monroe, VA 23651-1032. Suggestions may also be submitted using DA Form 1045 (Army Ideas for Excellence Program (AIEP) Proposal).

**Availability.** This regulation is solely available on the Fort Monroe Homepage at <http://147.248.251.93/monroe/sites/local/default.asp>.

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**1-1. Purpose.** The purpose of this regulation is to comply with Department of Defense (DoD) policy in protecting Fort Monroe personnel and facilities in the event of a public health emergency due to biological warfare, terrorism, or other public health emergency communicable disease epidemic.

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**\*This regulation supersedes FM Regulation 40-4, 31 Mar 2004.**

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### **2-1. References.**

- a. Sections 113, 3013, 5013, and 8013 of Title 10, United States Code (USC).
- b. Section 797 of Title 50, USC.
- c. Section 1382 of Title 18, USC.
- d. Section 301 of Title 5, USC.
- e. Sections 243, 264, 266, of Title 42, USC.
- f. Executive Order (EO) 12452, Revised List of Quarantinable Communicable Diseases, 1983.
- g. Title 42, Code of Federal Regulations (CFR), Part 70, Interstate Quarantine.
- h. Department of Defense Instruction (DoDI) 5200.8, Security of DoD Installations and Resources.
- i. Department of Defense (DoD) 5200.8-R, Physical Security Program.
- j. DoDI 2000.18, DoD Installation Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive Emergency Response Guidelines.
- k. DoDD 6200.2, Use of Investigational New Drugs for Force Health Protection
- l. DoDI 6205.4, Immunization of Other Than U.S. Forces (OTUSF) for Biological Warfare Defense.
- m. DoDD 6200.3, Emergency Health Powers on Military Installations.
- n. Army Regulation 190-51, Security of Unclassified Army Property (Sensitive and Nonsensitive).
- o. Army Regulation 190-13, The Army Physical Security Program.

**3-1. Explanation of abbreviations and terms.** The glossary contains abbreviations and special terms used in this regulation.

**4-1. Policy.**

a. Fort Monroe's property, personnel, and other individuals working, residing, or visiting Fort Monroe shall be protected under applicable legal authorities against communicable diseases associated with biological warfare, terrorism or other public health emergency. Applicable legal authorities include:

(1) Reference 2-1a provides authority to conduct the affairs of the DoD authorized by the Constitution and laws of the United States.

(2) Reference 2-1b authorizes any lawful regulation or order for protecting or securing any property or places subject to the jurisdiction, administration, or in the custody of the DoD relating to ingress, egress or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy or other subversive actions.

(3) Reference 2-1c authorizes the regulation of entry onto military installations.

(4) Reference 2-1d authorizes regulation for the custody, use, and preservation of Government property.

(5) References 2-1e through 2-1g authorizes the Director of Centers for Disease Control and Prevention (CDC) to establish a quarantine to prevent the spread of communicable diseases into the United States, from State to State, or, in time of war, affecting military and other national defense personnel, and to support State quarantines.

b. The Garrison Commander will designate a Public Health Emergency Officer (PHEO), who shall be a senior health professions military officer or DoD civilian employee affiliated with the command of Fort Monroe or of a higher level or associated command. The PHEO on Fort Monroe will be the Commander, Craven Army Health Clinic. Authorities and responsibilities of the Craven Army Health Clinic Commander under this regulation are subject to the direction and authority of the Garrison Commander making the designation. The PHEO should be the Command Surgeon, local equivalent, hospital commander, or other senior leader with experience and training in functions essential to effective public health emergency management.

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c. Every healthcare provider or medical examiner with respect to any illness or health condition; every pharmacist with respect to prescription rates, types, or trends; and every veterinarian with respect to animal diseases shall promptly report to the Craven Army Health Clinic Commander any circumstance suggesting a public health emergency. This is in addition to reports required by otherwise applicable disease surveillance reporting systems, including non-DoD systems.

d. The Craven Army Health Clinic Commander, in consultation with McDonald Army Community Hospital and local health officials, will ascertain the existence of cases suggesting a public health emergency, investigate all such cases for sources of infection, recommend implementation of proper control measures, and define the distribution of the illness or health condition. As directed by the Garrison Commander, appropriate actions may include:

(1) Identifying all individuals thought to have been exposed to the illness or health condition.

(2) Counseling and interviewing such individuals, as appropriate, to assist in positively identifying exposed individuals and developing information relating to the source and spread of the illness or health condition.

(3) Examining facilities or materials that may endanger the public's health. If necessary for examination purposes, closing, evacuating, or decontaminating any facility or decontaminating or destroying any material contributing to the public health emergency.

(4) Sharing information developed during activities under paragraph 4-1d, including personally identifiable health information, with Federal, State, or local officials responsible for public health and public safety to the extent necessary to protect public health and safety.

(5) Notifying, directly or through applicable military channels, appropriate law enforcement authorities concerning information indicating a possible terrorist incident or other crime.

e. Upon determining a public health emergency, the Garrison Commander may declare a public health emergency. Upon such a declaration, the Commander, in concert with the Senior Mission Commander, and in consultation with the Craven Army Health

Clinic Commander may implement the emergency powers listed in paragraphs 4-1f and 4-1g. Such declaration shall be immediately reported by the Garrison Commander through the chain of command to the Secretary of Defense. It will also be reported by the Craven Army Health Clinic Commander to the Commander, McDonald Army Community Hospital and, through the chain of command, to the Commander, North Atlantic Regional Medical Command. The Craven Army Health Clinic Commander will also report to the CDC and appropriate State and local public health agencies. Such declaration shall terminate automatically in 30 days, unless renewed and re-reported, or may be terminated sooner by the Commander who made the declaration, any senior commander in the chain of command, the Secretary of the Army, or the Secretary of Defense.

f. During a declared public health emergency, the Garrison Commander, in concert with the Senior Mission Commander and in consultation with the Craven Army Health Clinic Commander, may exercise special powers relating to military property on Fort Monroe. To the extent necessary for protecting or securing military property or places, associated military personnel, or the Fort Monroe mission, such special powers may also apply to property not owned by the DoD, but present on Fort Monroe. Such special powers are:

(1) Collecting specimens and performing tests on any property or on any animal, living or deceased, as reasonable and necessary for emergency response.

(2) Closing, directing the evacuation of, or decontaminating any facility, decontaminating or destroying any material, or asserting control over any animal that endangers the public health.

(3) Using facilities, materials, and services for purposes of communications, transportation, occupancy, fuel, food, clothing, healthcare, and other purposes and controlling or restricting the distribution of commodities as reasonable and necessary for emergency response.

(4) Controlling evacuation routes on ingress and egress to and from Fort Monroe.

(5) Taking measures to safely dispose of infectious waste as may be reasonable and necessary for emergency response.

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(6) Taking measures reasonable and necessary, in accordance with applicable law, to obtain needed healthcare supplies, and controlling use and distribution of such supplies to achieve the greatest public health benefit.

g. During a declared public health emergency, the Garrison Commander, in concert with the Senior Mission Commander and in consultation with the Craven Army Health Clinic Commander, will exercise special powers relating to persons necessary to prevent the spread of communicable diseases. To the extent necessary for protecting or securing military property or places and associated military personnel, such special powers will also include persons other than military personnel who are present on Fort Monroe. Such special powers are:

(1) Military personnel may be ordered to submit to a physical examination and/or testing as necessary to diagnose or treat. Persons other than military personnel may be required as a condition of exemption or release from restrictions of movement to submit to a physical examination and/or testing as necessary to diagnose the person and prevent the transmission of a communicable disease. Qualified personnel shall perform examinations and testing, which will not likely result in serious harm to the individual.

(2) Restrictions of movement may be implemented to prevent the spread of communicable diseases. In the case of military personnel, restrictions of movement, including isolation, quarantine or any other measure necessary to prevent or limit transmitting a communicable disease may be implemented. In the case of persons other than military personnel, restrictions of movement may include limiting ingress and egress to, from, or on Fort Monroe, isolation under paragraph 4-1g(3), or quarantined under paragraph 4-1g(4).

(3) Individuals will be isolated to prevent the spread of a communicable disease. Isolation measures will be implemented in living quarters or other buildings on Fort Monroe or arranged with local health facilities. Isolation measures do not lessen the responsibilities of the Military Health System to provide the best medical care feasible to infected persons.

(4) Individuals may be placed in quarantine to prevent the spread of a quarantinable communicable disease. In the case of a quarantine of individuals other than military personnel, the following requirements apply:

(a) The Craven Army Health Clinic Commander will coordinate with the CDC in relation to CDC actions under the quarantine authorities provided in paragraph 2-1e, f, and g.

(b) The needs of persons quarantined shall be addressed in a systematic and competent fashion. Places of quarantine will be maintained in a safe and hygienic manner, designed to minimize transmission of infection or other harm to persons subject to quarantine. Adequate food, clothing, medical care, and other necessities will be provided.

(c) A person subject to quarantine will obey the rules and orders established by the Craven Army Health Clinic Commander, will not go beyond the quarantine premises, and will not put himself/herself in contact with any person not subject to quarantine, except as the Craven Army Health Clinic Commander authorizes.

(d) No person will, without authorization, enter a quarantine premises. A person, who by reason of unauthorized entry poses a danger to public health, and becomes subject to quarantine.

(e) Quarantine will be accomplished through the least restrictive means available, consistent with protection of public health. Quarantine of any person will be terminated when no longer necessary to protect the public health.

(f) The Craven Army Health Clinic Commander will, as soon as practicable, provide to every individual subject to quarantine written notice of the reason for the quarantine and plan of examination, testing, and/or treatment designed to resolve the reason for the quarantine. The Craven Army Health Clinic Commander will provide to any person subject to quarantine who contests the reason for quarantine an opportunity to present information supporting an exemption or release from quarantine. Such information will be reviewed by the Garrison Commander. The reviewing official will exercise independent judgment and promptly render a written decision on the need for quarantine for the person.

(5) Military personnel may be ordered to submit to vaccination or treatment, subject to special rules applicable to use of investigational new drugs under DoD Directive 6200.2. Persons other than military personnel may be required as a condition of exemption or release from restriction of movement to submit to vaccination or treatment as necessary to prevent

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transmitting a communicable disease. Qualified personnel shall perform vaccination and treatment, consistent with appropriate medical standards, including appropriate medical exemption criteria, which will not likely result in serious harm to the individual. DoD Instruction 6205.4 does not apply to vaccinations under this paragraph.

(6) The Craven Army Health Clinic Commander will take reasonable and necessary measures for testing and safely disposing of corpses in order to prevent the spread of disease, ensuring proper labeling, identification, and records regarding circumstances of death and disposal.

(7) Protected health information shall be used and disclosed as necessary to ensure proper treatment of individuals and prevent the spread of communicable diseases.

h. Individuals subject to any emergency health powers under paragraphs 4-1f or 4-1g will be advised that violators of this regulation will be charged with a crime under Section 797 of Title 50, United States Code and subject to punishment of a fine up to \$100,000, or imprisonment for not more than 1 year, or both.

(1) In the case of military personnel, these potential sanctions are in addition to applicable military law authorities, to the extent allowed by law.

(2) In the case of any person who refuses to obey or otherwise violates an order under this regulation, the Garrison Commander may detain those not subject to military law until civil authorities can respond. The Garrison Commander will coordinate with civil authorities to ensure the response is appropriate for the public health emergency.

i. The Craven Army Health Clinic Commander shall inform affected individuals of the declaration of a public health emergency, its termination, and steps individuals should take to protect themselves, and actions taken to control or mitigate the emergency.

j. The Craven Army Health Clinic Commander shall maintain close contact and seek close coordination with the local and State health departments and the CDC concerning all actions taken under this regulation. Consistent with the protection of Fort Monroe, facilities, and personnel, the Craven Army Health Clinic Commander will facilitate the assumption of public health



emergency responsibilities by civilian agencies with jurisdiction in relation to persons other than military personnel and property not owned by DoD.

k. The Craven Army Health Clinic Commander and Garrison Commander, while carrying out activities under this regulation, will cooperate with authorized law enforcement agencies investigating an actual or potential terrorist act or other crime.

#### **5-1. Responsibilities.**

a. The Commander, Craven Army Health Clinic will--

(1) Be the principle point of contact for coordination with the CDC and other civilian health agencies in relation to implementation of this regulation.

(2) Coordinate with McDonald Army Community Hospital and other military health facilities to provide information or request assistance as needed.

(3) Provide or coordinate medical support for quarantined individuals.

b. The Garrison Commander will--

(1) Secure buildings for isolation or quarantine and ensure food, linen, and clothing are provided.

(2) Direct military police to assist as needed with all phases of regulation implementation.

#### **GLOSSARY**

##### **Section I Abbreviations**

AR	Army regulation
CFR	Code of Federal Regulation
CDC	Center for Disease Control and Prevention
DoD	Department of Defense
DoDI	Department of Defense Instruction
DoDD	Department of Defense Directive
DPTMS	Directorate of Plans, Training, Mobilization, and Security
EO	Executive Order

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IAW	in accordance with
PHEO	Public Health Emergency Officer
USC	United States Code

### **Section II**

#### **Terms**

##### **Communicable disease**

An illness due to an infectious agent or its toxic product, which may be transmitted from a reservoir to a susceptible host either directly as from an infected person or animal or indirectly through an intermediate plant or animal host, vector, or the inanimate environment.

##### **Isolation**

The separation of a person or group of persons infected with a communicable disease while such disease is in a communicable stage from other people to prevent the spread of infection.

##### **Public health emergency**

An occurrence or imminent threat of an illness or health condition, caused by biological warfare or terrorism, epidemic, pandemic disease, or highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or severe disabilities.

##### **Quarantinable communicable disease**

Cholera or suspected Cholera, Diphtheria, infectious Tuberculosis, Plague, suspected Smallpox, Yellow Fever, and suspected Viral Hemorrhagic Fevers (Lassa, Marburg, Ebola, Congo-Crimean, and others not yet isolated or named).

##### **Quarantine**

Compulsory detention or other similar restriction, including isolation, for purposes of preventing or limiting the spread of disease, of individuals or groups reasonably believed to be infected with a communicable disease while such disease is in a communicable stage, or is in a precommunicable stage if the disease would be likely to cause a public health emergency if transmitted to other individuals.

**Restriction of movement**

Limiting people's movement to prevent or limit the transmission of a communicable disease, including limiting ingress and egress to, from, or on Fort Monroe, isolation, or quarantine.

A handwritten signature in black ink, appearing to read "Jason T. Evans". The signature is stylized with a large, looping initial "J" and "E".

JASON T. EVANS  
Colonel, Adjutant General  
Commanding

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